

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
FILE No. 1:21-cv-00629-WO-JLW

TENICKA S. SHANNON, individually and as  
Administrator of the Estate of Frederick R. Smith  
Cox, Deceased,

Plaintiff,

v.

Deputy MICHAEL SHANE HILL, individually and  
as agent of the Davidson County Sheriff's Office;  
and DAVIDSON COUNTY SHERIFF'S OFFICE  
and TRAVELERS CASUALTY AND SURETY  
COMPANY OF AMERICA, Surety on the Official  
Sheriff's Bond under N.C.G.S. 162-8,

Defendants.

**JOINT MOTION TO APPROVE  
SETTLEMENT**

Plaintiff Tenicka Smith (formerly known as Tenicka S. Shannon), individually and as Administrator of the Estate of Frederick R. Smith Cox ("Decedent"), deceased, Defendants Davidson County Sheriff's Office, Travelers Casualty and Surety Company of America, and Deputy Michael Shane Hill, through their respective counsel and pursuant to N.C. Gen. Stat. § 28A-13-3(a)(23), respectfully request that the Court approve the settlement reached in this matter (the "proposed settlement"). The proposed settlement requires approval by the Court because two of the potential beneficiaries are minors. The two minor beneficiaries, through their Guardian *ad Litem* Melissa Sams, join this motion in full. A copy of the parties' executed Settlement Agreement is attached as **Exhibit A**.

A. In support of this motion, the parties show the Court the following:

**FACTUAL BACKGROUND**

1. On November 8, 2020, at approximately 3:30 P.M., a shooting incident occurred at Living Water Baptist Church, in the city of High Point, North Carolina. During said incident, Plaintiff's decedent, Frederick R. Smith Cox was shot and killed. Plaintiff alleges that Defendant Michael Shane Hill shot his firearm, striking Mr. Cox, and resulting in his death.
2. Mr. Cox died intestate.
3. Mr. Cox is survived by his mother and his two minor children: C.Z.C. and Z.R.S.C., who he acknowledged during his lifetime as his biological children.
4. On March 12, 2021, Plaintiff, Tenicka Smith, filed an Application for Letters of Administration in the General Court of Justice, Superior Court Division, Guilford County, North Carolina and was duly appointed Administrator of the Estate. See Order Approving Letters of Administration, attached as Exhibit B.
5. This matter was filed on August 11, 2021 asserting wrongful death claims under 42 U.S.C. § 1983 and state law claims.
6. On February 2, 2024, the parties attended a mediation with Mediator Ray Owens.
7. On February 9, 2024, the parties in this action arrived at resolution and on February 26, 2024 the Board of Commissioners of Davison County, North Carolina approved settlement in this matter.
8. On June 24, 2024, guardian *ad litem* Melissa L. Sams of the Sams Law Firm, PC was appointed by this Honorable Court on behalf of C.Z.C. and Z.R.S.C.
9. C.Z.C. lives with her mother and custodial parent, Amai Commander.
10. Z.R.S.C. lives with his mother and custodial parent, Tykia Bell.

## **OVERVIEW OF PROPOSED SETTLEMENT**

11. Pursuant to N.C. Gen. Stat. § 28A-13-3(a)(23), because two of the proposed beneficiaries are minors, this matter must be approved by the Court. *See* N.C. Gen. Stat. § 28A-13-3(a)(23) (“Unless all persons who would be entitled to receive any damages recovered under G.S. 28A-18-2(b)(4) are competent adults and have consented in writing, any such settlement shall be subject to the approval of a judge of the court or tribunal exercising jurisdiction over the action ....”); *Kent v. Duncan*, 2020 WL 118599, at \*5 (W.D.N.C. Jan. 9, 2020) (“[W]here minors are entitled to receive damages pursuant to the settlement of a wrongful death action, such settlement must be approved by the Court, even though the minors are not parties to the wrongful death action.”)
12. The terms of the proposed settlement are memorialized in the Settlement Agreement, which releases all Defendants from Plaintiff’s claims. See Exhibit A.
13. The proposed settlement proposes the following split between the heirs of Mr. Cox:
  - a. 1/3 of proceeds to C.Z.C., Mr. Cox’s minor child;
  - b. 1/3 of proceeds to Z.R.S.C, Mr. Cox’s minor child; and,
  - c. 1/3 of proceeds to Tenicka Smith, mother of Mr. Cox.
14. The proposed settlement amount is \$4,000,000.00, to be paid to Romanucci & Blandin LLC and the Estate of Fred Cox and distributed as follows:
  - a. \$741,615.15 to C.Z.C., Mr. Cox’s minor child, through a trust account administered by Capital First Trust Company.

- b. \$741,615.15 to Z.R.S.C., Mr. Cox's minor child, through a trust account administered by Capital First Trust Company.
  - c. \$741,615.15 to Tenicka Smith, Mr. Cox's mother.
  - d. \$1,600,000.00 in attorneys' fees to be split between the law firms representing the Plaintiff, pursuant to the Attorney Client Agreement attached hereto as Exhibit C, as follows:
    - i. Ben Crump Law: \$720,000.00
    - ii. Romanucci & Blandin, LLC: \$720,000.00
    - iii. McPherson & Mills, PLLC: \$160,000.00
  - e. \$170,686.85 in litigation costs to be reimbursed to Romanucci & Blandin LLC. Itemized Expenses attached hereto as Exhibit D.
  - f. \$2,717.70 in litigation costs to be reimbursed to McPherson & Mills PLLC. Itemized Expenses attached hereto as Exhibit E.
  - g. \$1,750.00 to be paid to Melissa Sams to compensate her work as guardian *ad litem*, attached hereto as Exhibit F.
15. The proposed settlement is in the best interests of all parties and any potential beneficiaries. By resolving this action now, both sides will thus avoid the uncertainties, risks, and costs of further litigation.
16. The proposed settlement, distribution, and trust instrument has been reviewed and approved by Ms. Sams, the guardian *ad litem* after conferring with Ms. Smith, the mothers of the minor heirs, the Attorney responsible for the trust instrument, Capital First Trust Company, and the undersigned attorney. Guardian *ad litem*

report and findings attached hereto as Exhibit G.

17. Tenicka Smith, in her capacity as Administrator of the Estate and sole Plaintiff in that representative capacity, has authority to settle this litigation under North Carolina law. *See* N.C. Gen. Stat. § 28A-13-3(23) (“[A] personal representative has the power ... To maintain actions for the wrongful death of the decedent according to the provisions of Article 18 of this Chapter and to compromise or settle any such claims, whether in litigation or not.”).

18. Tenicka Smith and the mothers of minors C.Z.C. and Z.R.S.C. respectively have signed the Settlement Agreement, Exhibit A, as well as the Family Settlement Agreement, attached hereto as Exhibit H, consenting in writing to the settlement and proposed distribution after consulting with their attorneys.

19. Because Local Rule 17(c) does not apply to this motion as the minors are not parties to this action, the parties do not believe that the attendance of the minor heirs and their legal guardians is required at the hearing. *See* Local Rule 17(c)(3)(ii), (iv). However, to any extent that this rule could be deemed to apply, the parties request that the minor heirs and their legal guardians be relieved of this requirement, in light of the presence at the hearing of the Guardian *ad Litem*.

**WHEREFORE**, the Plaintiff, Tenicka S. Shannon, individually and as Administrator of the Estate of Frederick R. Smith Cox, deceased, and Defendants respectfully request that this Court enter an Order:

1) Approving the terms of the proposed settlement of this matter pursuant to N.C.

Gen. Stat. § 28A-13-3(a)(23).

- 2) Entering an order dismissing without prejudice all claims brought in this matter, pursuant to Fed. R. Civ. P. 41(a)(2), to be converted into with prejudice once the proceeds are received; and,
- 3) Releasing the Defendants in this action from any and all future liability to the minor children arising out of the death of Decedent.

Date: November 26, 2024

Respectfully submitted,  
**ROMANUCCI & BLANDIN, LLC**

/s/ Bhavani Raveendran  
One of Plaintiff's attorneys

Respectfully submitted,  
**MCPHERSON & MILLS, PLLC**  
/s/ Lyndsey McPherson  
One of Plaintiff's attorneys

Ashley Mills (NC Bar No. 44608)  
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*Attorneys for Plaintiff, Tenicka S. Shannon, individually  
and as Administrator of the Estate of Frederick R.  
Smith Cox, deceased.*

**CERTIFICATE OF SERVICE**

The undersigned certifies that, on November 26, 2024, they electronically filed the foregoing document with the Clerk of the Court for the Middle District of North Carolina by using the CM/ECF system, which will send notification of such filing to all CM/ECF participants.

Date: November 26, 2024

Respectfully submitted,  
ROMANUCCI & BLANDIN, LLC

/s/ Bhavani Raveendran  
One of Plaintiff's attorneys